IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 5379 OF 2004

Mr. Mahesh Rastogi.. ... .Applicant.

Versus

State of Maharashtra & Ors..... ....Respondents.

Mr. P. V. Nichani i/by M/s. P.V.Nichani & Co.
for Applicant.

Mr. P. S. Hingorani, APP for the State.

CORAM : NARESH H. PATIL, J.

DATED : 28TH JULY, 2006.

P.C.:

Learned Counsel for the applicant states that in the present application the order of issuance of process is under challenge and in view of the judgment of this Court in the case of **V. K. Jain v/s Pratap V. Padode,** reported in 2005(3) Mh.L.J. 779, the applicant shall have to file revision application before the Sessions Court. He, therefore, submits that the applicant be permitted to withdraw this application with liberty to file revision application before the proper court. He further requests that in

view of the pendency of this application, the delay in filing the revision may be considered and the ad-interim relief granted by this Court may be continued for a further period of eight weeks.

2. Application allowed to be withdrawn with liberty to file revision application before the proper court. In case, the applicant prefers revision application within eight weeks from today, the delay occurred in preferring revision application shall be considered by the Court looking to the pendency of the application before this Court.

3. Ad-interim relief, if any, granted by this Court to continue for a period of eight weeks from today.

4. In case, the applicant applies for any urgent relief before the revisional court, adequate notice would be given by the applicant to the contesting respondents.

5. Application is, accordingly, disposed of.

Sd/-

(NARESH H. PATIL, J.)